



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

WILLIAM CHILDS,
Plaintiff,

vs.

ADVANCED CAPITAL SOLUTIONS, INC.,
Defendant.

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Civil Action No. 3:23-01070-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DENYING MOTION FOR DEFAULT JUDGMENT,
AND DIRECTING PLAINTIFF TO SHOW CAUSE WHY TIME FOR SERVICE
SHOULD BE EXTENDED**

Plaintiff William Childs (Childs) filed this action alleging defamation and a violation of his due process rights under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, against Defendant Advance Capital Solutions, Inc.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court deny Childs's motion for default judgment and, if Childs provides good cause, extend the time for service for an appropriate period. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 19, 2023. To date, Childs has failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Childs’s motion for default judgment is **DENIED**. No later than **August 29, 2023**, Childs may reply to this order showing good cause why the time for service should be extended for an appropriate period. If Childs fails to show good cause, the Court may dismiss this case without prejudice.

IT IS SO ORDERED.

Signed this 9th day of August 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.